

PLANNING COMMISSION
June 2, 2014
PUBLIC HEARING ON PROPOSAL TO EXPIRE THE BOND ON
D'ARCANGELO ESTATES SUBDIVISION

Robert Pease, Vice-Chairman, opened the Public Hearing at 6:15 P.M. with the following in attendance:

MEMBERS:

Anthony Whelan, Chair, Absent
Robert Pease, Vice-Chair
Harry Jancis
Ray Krzykowski
Robert Urbano, Alternate, Absent

OTHERS:

Public: 1
Keith Rosenfeld, Town Planner
Wayne Zirolli, Borough Engineer
Sue Goggin, Secretary

Deddy Yagan, developer for D'Archangelo Estates, said he is working with the Borough Engineer. He said they sold four houses but they are having problems with public services. They are trying to accommodate the homeowners and install a cul-de-sac so that portion of the road can be accepted by the town. Wayne said there are punch list items to be completed which total about \$50,000 and that is the amount left in the bond. Bob Pease said there is no plan showing the cul-de-sac and no fire and police approval, etc. He also said there is no money left to build a cul-de-sac. Wayne said at this point the road is in acceptable condition with clean up. He said if he is to continue to build the way the subdivision is approved the whole road can be accepted. However, if he chooses to go with an age restricted plan with the remainder, then they would need plans and a turn around to be able to accept the lower part of the road. Attorney Fitzpatrick said he discussed this with Wayne. He recommended keeping the public hearing open to allow Attorney Fitzpatrick, Wayne and the applicant to meet. He said the Borough Engineer does feel that there could be a solution. Tony Whelan said that the problem is with safety. He doesn't want the homeowners to go through another winter without the services they need. Attorney Fitzpatrick said there is not a concrete proposal and that the applicant should come before the commission with a proposal which should be of sufficient detail. There was a discussion about the expiration of the subdivision and that the applicant would need to submit a new application. Bob Pease said they need to be sure to conform to the new subdivision regulations. Tony asked if there was any public comment. Emma Newsome, of D'Archangelo Drive, said she wants appropriate street maintenance. She wants to have her street accepted so she can receive city services. Mr. Yagan said he is happy to give that portion of the road to the town. Attorney Fitzpatrick asked if the applicant is picking up the trash. Mrs. Newsome said the city picks up the trash at the cross street and that the street is sporadically plowed and never sanded. Mr. Yagan said he will work with the town engineer and by next winter will definitely be a city road. Tony said he needs to come back at the July or August meeting with a plan for next winter. Bob Urbano asked if he does not comply by next winter, can he submit a contract to the Planning Commission that the applicant will pick up trash and plow. Attorney Fitzpatrick said it is the developer's responsibility to maintain the road until it is accepted. Wayne and Mr. Yagan will meet in the next few weeks. Wayne will discuss with Attorney Fitzpatrick and present a plan at the July meeting. The public hearing was continued to the July meeting at 6:15 P.M.

**PLANNING COMMISSION
REGULAR MEETING June 2, 2014**

Anthony Whelan, Chairman, opened the meeting at 6:05 P.M. with the following in attendance:

MEMBERS:

Anthony Whelan, Chair
Robert Pease, Vice-Chair
Harry Jancis
Ray Krzykowski
Robert Urbano, Alternate

OTHERS:

Public: 1
Wayne Zirolli, Borough Engineer
Sue Goggin, Secretary

1. Anthony Whelan led with the Pledge of Allegiance. He took attendance, and noted there was a quorum.
2. Executive session with Borough Attorney.

There was no executive session.

3. Review /Approval of the April 14, 2014 Regular Meeting Minutes and the May 5, 2014 Regular Meeting Minutes.

VOTED: 4-0-1 on a motion by Bob Urbano and seconded by Ray Krzykowski to **APPROVE** the April 14, 2014 Regular Meeting Minutes as written.

FOR

Anthony Whelan
Robert Pease
Ray Krzykowski
Robert Urbano

AGAINST

ABSTAIN

Harry Jancis

VOTED: 3-0-2 on a motion by Harry Jancis and seconded by Bob Pease to **APPROVE** the May 5, 2014 Regular Meeting Minutes as written.

FOR

Harry Jancis
Robert Pease
Ray Krzykowski

AGAINST

ABSTAIN

Anthony Whelan
Robert Urbano

4. OLD BUSINESS:

- A. Commission discussion/decision regarding Planning Commission's proposal to expire the D'Archangelo Estates Subdivision, file on the land records a notice of such expiration and call the surety on said subdivision to the extent necessary to complete the bonded improvements and utilities required to serve those lots.

- B. Commission discussion/decision regarding a referral from the Naugatuck Zoning Commission for a proposed community garden (Special Permit) located at Cross Street School; Applicant: Borough of Naugatuck. **Zoning Commission Public Hearing is set for June 18, 2014 at 6:30 P.M.**

Alex Olbrys, Maple Hill Road, showed the commission a map that he drew up showing the parking for the garden. Tony said he thought 15 parking spaces are excessive. Alex said they can reduce the number of spaces. It was noted that the parking spaces will not be marked. Harry asked if the Board of Ed agreed to oversee the hours of the garden. Jim Stewart said initially the committee will be made up of Alex, Jim, Wayne and Kim. He said the Parks Commission will probably be overseeing it once it's established. Harry said he likes the idea of a Community Garden. Ray asked what the hours would be. Alex said on the weekend it will be from dawn to dusk and then once school is out it will be open from dawn to dusk on weekdays. Bob Pease asked Alex to submit the waiver and the rules to the Borough Attorney for his review. Bob Pease said he was concerned that there will be garbage. Jim said they could set up cans or a dumpster. Alex said, from his research, many gardens require the gardeners to volunteer for one weekend to clean up the garden, prior to it opening and after it closes for the season. There was no further discussion.

VOTED: Unanimously on a motion by Harry Jancis and seconded by Ray Krzykowski to send a **POSITIVE REFERRAL** to the Zoning Commission for a Special Permit for a Community Garden.

5. NEW BUSINESS

- A. Commission discussion/decision regarding an 8-24 referral from the Board of Mayor and Burgesses for a drainage easement at 449 Candee Road.

Wayne said this is an application for a permanent drainage easement on the property of Mrs. Alberta Tavares at 449 Candee Road. He said Mrs. Tavares agreed to give a permanent easement on her property to the Borough. He said he has a signed easement. The Board of Mayor and Burgesses approved the 8-24 referral to the Planning Commission. He said once the Planning Commission approves it, it can go back to the Board of mayor and Burgesses for approval and it can get filed on the Land Records. Wayne said he recommends approving it.

VOTED: Unanimously on a motion by Harry Jancis and seconded by Bob Pease to **APPROVE** the easement between the Borough and Mrs. Tavares.

- B. Commission discussion/decision regarding a referral from the Zoning Commission for a Special Permit application for a proposed convenience store/gas station/donut shop at 42-46 Prospect Street; Applicant: Remzi and Vesel Nasufi

Attorney Michael McVerry, office at 35 Porter Avenue, said he was there representing Remzi and Vesel Nasufi. They are seeking to demolish the two buildings on 42-46 Prospect Street and construct a new 4500 square foot building to house a convenience store, donut shop and gas station with five pumps in the front. He said the new POCD defines Prospect Street as an arterial corridor encouraging this type of business. They have spoken with the State DOT because it is a state highway and they have given feedback regarding ingress and egress from the site. There was a discussion over whether or not they own all of the land. Attorney McVerry said they are under contract to purchase the strip of land owned by St. Hedwig's Church. The commission took a five minute recess for Sue to get the purchase agreement from the Land Use office. Sue gave the commissioners copies of the purchase agreement. Harry pointed out on the map a section of the parking lot where there may be a problem with traffic. Wayne said he hasn't had a chance to review the plans yet. The commission said they would like Wayne's input on the plans. It was determined that the public hearing is set for July, so the commission has time to get Wayne's opinion. Bob Pease asked if there has been any discussion over entering the property if you are heading east on Prospect Street and making a left. Attorney McVerry said that was part of the discussion with DOT. They are waiting for more information back from them. There was more discussion on traffic patterns. The discussion was continued to the July 14th meeting.

C. Commission discussion/decision regarding a request for a reduction in the bond for 68 Arch Street; Applicant: ALX Ventures, LLC

Attorney Michael McVerry, said he was there on behalf of ALX Ventures, LLC, owner and developer of the Archway Subdivision on Arch Street. He said the original bond was set at \$35,000 and a considerable amount of work has been done. He said they are requesting that the bond be reduced from \$35,000 to \$13,000. Wayne said at this point all the sidewalks are in except for the aprons, the drainage has been put in place and the roadway paved, the snow shelf loamed and seeded. Wayne said his recommendation is that the bond be reduced from \$35,000 to \$13,000. Harry said they need to keep 10% as a cushion. There was a discussion over how much of a cushion to retain. There was a discussion over movement of the telephone pole and site lines. It was agreed that at the May meeting the final verdict was that the pole did not need to be relocated. The commission agreed that the bond may be reduced from \$35,000 to \$15,500. There was no further discussion.

VOTED: Unanimously on a motion by Bob Pease and seconded by Harry Jancis to **REDUCE** the bond for the Archway, ALX Ventures, LLC from \$35,000 to \$15,500.

D. Commission discussion/decision regarding proposed agricultural subdivision of 120 acres of Andrew Family property on Andrew Mountain Road; Applicant: Attorney Michael McVerry

Attorney McVerry, office at 35 Porter Avenue, said he was there on behalf of the estate of Franklin Andrew. He said Mr. Andrew died on January 27, 2013 and in his will he left approximately 120 acres on Andrew Mountain Road to his children. He showed the commission a sketch that showed how he wanted the land divided. He said they are seeking to divide the land under Section 8-18 of the Connecticut General Statutes which is definitions. He read the portion of 8-18 which says “expressly excluding development for municipal, conservation or agricultural purposes”. He also cited Section 12-107b which defines farmland in relation to tax purposes. Farmland is taxed at a lower rate. Attorney McVerry then showed the assessor’s card which shows the property being assessed as farmland. He said they are seeking to divide the property for agricultural purposes under Section 8-18 and enable them to settle the estate. Tony asked if any of the property is landlocked. Attorney McVerry said no. Roland Desrosiers explained the map of the property. He said the family has no intention of developing the land. Attorney Fitzpatrick said it constitutes a division of property under Section 8-18, not a subdivision. Attorney Fitzpatrick compared this to the division of the Wilmot property. He said a resolution is the proper way to handle this, approving it as a residential division of property under 8-18. He said that would give the Town Clerk the legal authority to ensure that map is recorded. Harry would like Attorney Fitzpatrick to draft a resolution so it is correct. It was clarified that the new owners of the property will have to attest to the use of the property. The commission recessed from this item at 7:20 so that a resolution can be drafted. The commission resumed this item at 7:35 P.M. Sue read the resolution into the record that was written by Attorney Fitzpatrick.

VOTED: Unanimously on a motion by Bob Pease and seconded by Ray Krzykowski to move the resolution as read by Sue for the division of land of the Andrew Family.

- E. All new items will require a 2/3 vote.

VOTED: Unanimously on a motion by Bob Pease and seconded by Ray Krzykowski to **ADD** Anderson Mills Subdivision to the agenda.

Attorney Michael McVerry, office at 35 Porter Avenue, said he was there on behalf of Anderson Mills, LLC. He referred back to 2008, when they appeared before this commission on a special permit for two interior lots in an 11 lot subdivision. He said his client received approval for the special permit and approval from wetlands for the subdivision in 2008. They are filing the subdivision application now so they can proceed with the subdivision properly. He said during the prior application process, they did receive approval from wetlands, WPCA, Fire and Police. He said they are there asking the commission to accept the application and schedule a public hearing. Harry said he is unhappy with the timing. He would have liked more time to review the map.

VOTED: Unanimously on a motion by Harry Jancis and seconded by Bob Pease to **ACCEPT** the application and **SET** the Public Hearing for the application for Anderson Mills Subdivision for July 14, 2014 at 7:00 P.M.

6. ADJOURNMENT

VOTED: Unanimously on a motion by Bob Urbano and seconded by Harry Jancis to adjourn the meeting at 7:50 P.M.

RESPECTFULLY SUBMITTED:

Ray Krzykowski, Secretary/sg